

# EXHIBIT H

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, on behalf of  
themselves and all others : CIVIL ACTION  
similarly situated; ROBERTA L. :  
EAMES, on behalf of themselves :  
and all others similarly :  
situated; TAMMY EAMES, on behalf :  
of themselves and all others :  
similarly situated; :

Plaintiffs, :

v :

NATIONWIDE MUTUAL INSURANCE :  
COMPANY, :

Defendant. :

NO. 04-1324 (KAJ)

Wilmington, Delaware  
Tuesday, September 13, 2005 at 9:30 a.m.  
TELEPHONE CONFERENCE

BEFORE: HONORABLE KENT A. JORDAN, U.S.D.C.J.

APPEARANCES:

MURPHY, SPADARO & LANDON  
BY: JOHN S. SPADARO, ESQ.

Counsel for Plaintiffs

SWARTZ CAMPBELL, LLC  
BY: NICHOLAS E. SKILES, ESQ.

and

Brian P. Gaffigan  
Registered Merit Reporter

1 level management documents are stored. I'm not talking  
2 about e-mails that have been -- yes, I know that they're  
3 going to search e-mails from last week and they're going  
4 to limit it to people who are connected to Delaware. That  
5 search is calculated to fail. It has almost no chance of  
6 discovering the documents that we're looking for.

7 THE COURT: Now, stop. I read that in your  
8 letter. Then I read their response which said we're not  
9 limiting this geographically. You said they're limiting to  
10 people in Delaware. They said expressly we're not doing  
11 that. Where is the disconnect? How come you think they're  
12 doing it when they said in correspondence back to you on  
13 September 8th we're not doing that? And I assume they'll  
14 reiterate that on the call. I don't know. Mr. Cheyney, are  
15 you limiting this?

16 MR. CHEYNEY: No, Your Honor.

17 THE COURT: Okay. Mr. Spadaro, why do you  
18 believe they're doing it when they say they're not going to  
19 do it?

20 MR. SPADARO: Well, Your Honor, if you look at  
21 the list of custodians they have given us, 90 percent of  
22 that list are agents, insurance agents. And I recognize  
23 the names: Broadbent, Muncie, Deaton, Truitt. These are  
24 insurance agents that we subpoenaed in this case. They're  
25 Delaware insurance agents. That's a list. That list